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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,617	06/27/2003	Jeremy Michael Green	9D-HL-20031	9877
7590 12/10/2004			EXAMINER	
John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102			RINEHART, KENNETH	
			ART UNIT	PAPER NUMBER
			3749	
DATE MAILED: 12/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/608,617

Applicant(s)

GREEN ET AL.

Examiner

Kenneth B Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14, 22 and 26 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 15-20 and 23 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6-10, 21, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments filed 7/8/04 have been fully considered but they are not persuasive. The applicant argues that Jolin does not describe or suggest a dryer a method of controlling operation of a dryer or a dryer that includes a variable heat source and a variable speed blower. The examiner disagrees. The reference clearly shows a heater that operates at more than one temperature (col. 3, lines 33-35) and the blower operates at more than one speed (claim 2.). The applicant further argues that a component that operates at only one speed or temperature is not variable as known and used in the art. Any fair reading of the reference will illustrates that the reference operates in the manner claimed. From the cited passages both the temperatures and speeds vary. The applicant argues that Rickard does not describe nor suggest a controller configured to vary at least one of either a voltage or current to the heater element based on a signal from a temperature sensor. The rejection clearly illustrates a temperature sensor (54, fig. 4) connected to a controller (60), which is in turn connected to heating elements (32, 33). Passage col. 7, lines 47-50, lines 13-17 illustrate this operation.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Joslin.

Joslin shows a drum including a cavity configured to hold an article to be dried (14, fig. 1, col. 1,

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line 10), and a first motor drivingly coupled to the drum to rotate the drum (16, fig. 1) varying only one of the variable heat source (col. 2, lines 52-58) and the variable speed blower (col. 1, lines 34-37), while maintaining the other one in a fixed state (blower operates at a fixed state while heat source is variable), a drum comprising a cavity configured to hold articles to be dried (14, fig. 1), a first motor drivingly coupled to said drum to rotate said drum (16, fig. 1), a variable heat source in flow communication with said cavity (12, fig. 1), and a variable speed motor (16, fig. 1) drivingly coupled to a blower (20, fig. 1) positioned to deliver air heated by said heat source to said cavity (col. 1, lines 30-31), a controller (22, fig. 1) operatively coupled to said variable speed motor (16, fig. 1) and said variable heat source (12, fig. 1) and at least one temperature sensor operatively coupled to said controller (18, fig. 1) and positioned to sense a temperature associated with the dryer (fig. 1) and generate a temperature signal representative of the sensed temperature, said controller operable to receive the temperature signal and control one of said variable speed motor and said variable heat source based on the temperature signal (col. 2, lines 10-14, fig. 1), at least one temperature sensor positioned to sense a temperature associated with the dryer and configured to generate a temperature signal representative of the sensed temperature (18, fig. 1); and a controller operatively coupled to said at least one temperature sensor and configured to receive the temperature signals (22, fig. 1), said controller configured to control the operation at least one of the variable speed blower motor and the variable heat source in a plurality of control modes based on the received signals (fig. 1, col. 3, lines 28-40).

Claims 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rickard.

Rickard shows a heater element supplying heated air to a drum comprising a cavity (32, 33, fig.

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1) at least one temperature sensor providing a signal indicative of cavity outlet temperature (col. 6, lines 9-11); and a controller operatively coupled to said heater element and said at least one temperature sensor and configured to vary at least one of a voltage and a current to said heater element based on said signal from said temperature sensor to substantially maintain a predetermined cavity outlet temperature (fig. 2, 60, fig. 4, 54, fig. 4), said controller is further configured to receive a signal from a user representing a fabric type and substantially maintain a predetermined cavity outlet temperature based on the received signal representative of fabric type (col. 6, lines 1-6). Regarding claims 17-20, the language, said voltage is gradually reduced to substantially maintain said predetermined cavity outlet temperature, said voltage is gradually reduced linearly, said current is gradually reduced to substantially maintain said predetermined cavity outlet temperature, said current is gradually reduced linearly, is functional language and is given little patentable weight.

#### *Allowable Subject Matter*

Claim 12-14, 22, 26 are allowed.

Claims 2, 3, 6-10, 21, 24, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 703-308-1722. The examiner can normally be reached on 7:30 -4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-272-4877.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBR

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KENNETH RINEHART  
PRIMARY EXAMINER